

You will note at the bottom of page 12 and over to page 13, the jury instructions state:

An alien is any person not a citizen or national of the United States. Aliens who are unlawfully in the United States are not in valid immigrant, nonimmigrant, or parole status. This term includes a person who unlawfully entered the United States without inspection and authorization by immigration; who is not an immigrant and whose authorized period of stay has expired or who has violated the terms of admission; who is under an order of deportation, exclusion or removal, or who is under an order to depart the United States voluntarily.

In further response to your question—what is the definition of “illegally” and “unlawfully”—you are instructed as follows:

The words “illegally” and “unlawfully” are not defined in this statute, and so you may give those terms their ordinary and natural meaning. In general, then, an alien “illegally or unlawfully in the United States” is an alien whose presence within the United States is forbidden or not authorized by law.

- ORELLANA at 365–66 (CA5)

You are further instructed that an alien who is in the United States without authorization is in the country illegally and unlawfully.

- IGBATAYO at 1040 (CA5)

The Government can establish that the Defendant was “illegally or unlawfully in the United States” under Counts 1 through 5 if it proves that he was in the country without authorization ^{by law} at the time he possessed or used the specified firearms on the [^]

specified dates.

- ATANDI 1187 (CA10)

Last, you are instructed that an alien undertaking legal process for legalization of his or her immigration status, and who is not subject to deportation at the time he or she undertakes that process, is not unlawfully in the United States.

- ATANDI at 1192 (CA10); ORELLANA at 369–71 (CA5) (accord with principles stated)

*Draft proposal as shared with parties
in response to Jury Note 3 on
February 26, 2024.*

CR Estridge